

Serial No.: 09/404,940

Attorney Docket No: MCS-023-01

### **REMARKS**

In response to the final Office Action dated August 22, 2003 (Paper No. 17), claim 30 has been canceled and claim 31 has been amended. Therefore, claims 1, 4-29 and 31 are now in the case. The Applicant respectfully requests that this amendment be entered under 37 C.F.R. 1.116 to place all of the claims in the above-referenced application in condition for allowance. Reexamination and reconsideration of the amended application are requested.

### **Allowable Subject Matter**

The Applicant gratefully acknowledges and appreciates the allowance of claims 1 and 4-29.

### **Section 101 Rejections**

The Office Action rejected claims 30 and 31 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Office Action stated that while the claims are in the technological arts, they are not limited to practical applications in the technological arts.

Record is made of a telephonic interview between Examiner K.E. Booker and Craig Fischer (Applicant's Attorney) on September 17, 2003. In that interview, the Applicant's attorney sought clarification concerning the 101 rejections. No agreement was reached. However, Examiner Booker stated that independent claim 30 lacks steps necessary to process an image. In particular, only the step of making recommendations is claimed. Thus, greater detail about the steps used in processing the image is needed for claim 30. A suggestion was made that claims 30 and 31 could be made dependent on some other independent claim.

In response, the Applicant has canceled independent claim 30 and amended claim 31 to depend from independent claim 1. In view of these amendments, the Applicant respectfully submits that all of the remaining claims (i.e., claims 1, 4-29 and 31) of the subject application are in immediate condition for allowance. The Examiner,

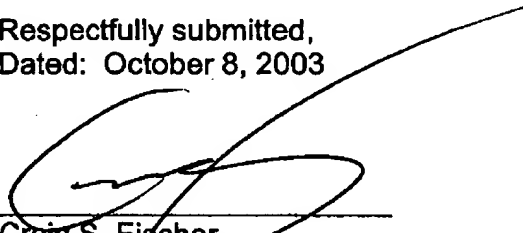
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therefore, is respectfully requested to withdraw the outstanding rejection of claims 30 and 31 and to pass this application to issue.

In an effort to expedite and further the prosecution of the subject application, the Applicant kindly invites the Examiner to telephone the Applicant's attorney at (805) 278-8855 if the Examiner has any comments, questions or concerns, wishes to discuss any aspect of the prosecution of this application, or desires any degree of clarification of this response.

Respectfully submitted,  
Dated: October 8, 2003



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